



THE UNITED REPUBLIC OF TANZANIA

Ministry of Natural Resources and Tourism



WILDLIFE DIVISION

**Reference Manual for Implementing Guidelines for the
Designation and Management of Wildlife Management
Areas (WMAs) in Tanzania**

**Please note: All illustrations of the original have been removed in this
electronic version. It is therefore not identical with the original.**

WILDLIFE DIVISION

Guidelines for the Designation and Management of WMAs

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ABOUT THIS MANUAL

Why was the Manual Written?

The Wildlife Policy of Tanzania advocates the establishment of Wildlife Management Areas (WMAs) as a means to effectively implement Community based Conservation (CBC) activities in Tanzania. WMAs represent new wildlife conservation areas whose management will be done in collaboration with the Wildlife Division, District Councils and other wildlife sector institutions such as the Tanzania National Parks (TANAPA), National Conservation Area Authority (NCAA) and Tanzania Wildlife Research Institute (TAWIRI). In this endeavor, in addition to their conservation role, WMAs will run as business entities parallel to other production systems in the village land, as will be determined by the village land use plan.

This manual therefore, is a tool kit that will enable communities and practitioners in the pilot WMAs to follow through the implementation process in a simple and focused manner.

Who is the Manual for?

The information contained in this manual can be useful for a variety of people who are committed to improving community based conservation efforts. The primary audience is communities (users), district councils, non-governmental organizations and other practitioners at community level. The information contained herein may also be useful for wildlife officials, technical staff from different wildlife related organizations and potential investors. In addition, the information in this manual may serve as a supplemental training guide for implementers at all levels in the process of establishing WMAs.

What does the Manual offer?

The manual aims to serve as a user-friendly reference to assist in the implementation of WMAs in designated pilot areas. It offers a detailed and systematic guide on how to deal with issues pertaining to the identification, establishment, initiation and management of WMAs. It also provides a guide on the utilization of resources, the sharing of benefits between and among the different stakeholders, and clarifies how to deal with disputes and conflicts that may arise in the process.

How to use the Manual

This manual can be used in many ways depending on the needs of the user. Readers/users who wish to get an overview of the contents and process of establishing WMAs, may want to read it straight through. Others, who are at some stage of implementation in the process of establishing WMAs, may prefer to read only specific sections and then refer to other sections as needed.

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FOREWORD

The Guidelines for Wildlife Management Areas are intended to support the implementation of the Wildlife Policy of Tanzania, 1998. These guidelines are administrative rules that are intended to rationalize in practical terms the Wildlife Conservation (Wildlife Management Areas) Regulations, 2002. In a way, the guidelines are supplemental to the Regulations. They amplify and try to clarify certain matters that are contained in the regulations.

Prior to drafting the regulations there were extensive consultations among different stakeholders. In order to do justice to the wide consultations and costs involved in the development of the WMA concept, the drafting of the guidelines have to a great extent adopted the contribution made by different stakeholders and studies carried thereon. An attempt has been made to simplify the guidelines so that they become user-friendly.

The guidelines provide the procedures for establishing WMAs alongside with the process for attaining the status to acquire user rights to the WMA. The different institutions with their roles are reflected including the role of other stakeholders such as NGOs and the private sector.

The opportunities available in the WMA are summarized. There are also crosscutting issues to guide the management of WMAs.

Since the management of wildlife resources by local communities is a new approach to wildlife conservation in Tanzania, it is expected that the experience on the ground will necessitate further improvement of these guidelines. Therefore, all stakeholders are called upon to continue to keep the government informed on new developments on the ground so that these guidelines can be updated to cope with the needs of the time on the ground.

E.L.M. Severe
Director of Wildlife
2003

LIST OF ACRONYMS

AA	-	Authorized Association
APU	-	Anti-poaching Unit
CBO	-	Community-Based Organization
CITES	-	Convention on International Trade in Endangered Species
DBKO	-	District Bee-Keeping Officer
DC	-	District Council
DCDO	-	District Community Development Officer
DED	-	District Executive Officer
DFO	-	District Forestry Officer
DFsO	-	District Fisheries Officer
DGO	-	District Game Officer
DLO	-	District Land Officer
DNRO	-	District Natural Resource Officer
EIA	-	Environmental Impact Assessment
EPIQ	-	Environmental Policy and Institutional Strengthening (IQC)
GMP	-	General Management Plan
GOT	-	Government of Tanzania
GR	-	Game Reserves
LUP	-	Land Use Plan
M&E	-	Monitoring and Evaluation
MNRT	-	Ministry of Natural Resources and Tourism
MRALG	-	Ministry of Regional Administration and Local Government
NCA	-	Ngorongoro Conservation Area
NCAA	-	Ngorongoro Conservation Area Authority
NGO	-	Non-Governmental Organization
NP	-	National Parks
PA	-	Protected Area
PAC	-	Problem Animal Control
PRA	-	Participatory Rural Appraisal
RMZP	-	Resource Management Zone Plan
TANAPA	-	Tanzania National Parks
TAWIRI	-	Tanzania Wildlife Research Institute
TWPF	-	Tanzania Wildlife Protection Fund
VEO	-	Village Executive Officer
VGS	-	Village Game Scout
VLA	-	Village Land Act, 1999
VNRC	-	Village Natural Resource Committee
WCA	-	Wildlife Conservation Act, 1974
WD	-	Wildlife Division
WDC	-	Ward Development Committee
WMAs	-	Wildlife Management Areas

INTERPRETATION OF KEY CONCEPTS

In these guidelines, provided the interpretation does not conflict with the regulations...

Authorized Association (AA) [refer to the WPT]: means villages, individual groups and designated organizations given the authority to manage wildlife outside NPs, NCA and GRs;

Authorized Officer: means a villager game scout designated under the regulations;

Benefit: means materials or money derived from the management of a WMA;

Biological Resources: means living resources (plants, animals including insects and microorganisms) that exist on planet earth;

Community: means local communities as hereunder defined: An Assemblage of Tanzanian citizens, ordinarily residing in a defined geographical area;

Community-Based Organization: means an organization whose primary objective is to conserve resources in a manner that facilitates the sustainable utilization of the resources by and for the benefits of local community members ordinarily resident in the resource area;

Cost: means monetary, opportunity, ecological, service and social costs incurred during the process of performing a certain activity in a WMA;

Director of Wildlife (refer to the WCA of 1974): means the head of the wildlife (component, division, department) within the Ministry responsible for wildlife in the Government of the United Republic of Tanzania;

District Natural Resources Advisory Body: means an advisory body established under regulation 27 and includes the Inter-District Natural Resources Advisory Body;

Ecological Viability: means the ability of a WMA to continue functioning as a sustainable ecological entity (or part of) with the envisaged uses;

Economic Value: means the monetary value of the resource based on allowed uses, consumptive and non-consumptive, as determined by cost/benefit analysis;

INTERPRETATION OF KEY CONCEPTS Cont'd ...

Government Game Scouts: means employees of the GOT entrusted to protect wildlife resources;

Guidelines: means the Guidelines for the Designation and Management of Wildlife Management Areas;

Inter-District Natural Resources Advisory Body: means an advisory body established under regulation 27, which deals with more than one district related to one WMA;

Investment: means the flow of capital to develop or improve infrastructure and services in a WMA;

Joint Venture: means an arrangement between an AA and other parties to undertake specified business matters related to or incidental to the management and protection of wildlife in WMAs with the authorization of the relevant authorities;

License: means written permission to utilize resources issued by the relevant Government Authority as prescribed by law;

Minister (refer to the WCA 1974): means the Minister for the time being responsible for matters related to the conservation of wildlife;

Non-biological resources: means all resources other than living resources of existing or potential economic value to the local communities, e.g. minerals, water, scenic sites, etc.;

Partnership: means an agreement involving an AA and other parties in accordance with the provisions of the Law of Contract Ordinance, the Companies Ordinance, CAP. 433, Cap. 212, respectively, and any other relevant Law;

Permits: means a written authorization issued by an AA to allow third parties to undertake certain activities in a WMA;

Regulations: means the Wildlife Conservation (Wildlife Management Areas) Regulations, 2002;

INTERPRETATION OF KEY CONCEPTS Cont'd ...

Security of Tenure: means the authorized period, which an area designated as a WMA will remain as such;

Sharing: means the distribution of benefits revenue accrued, and costs incurred in a WMA among communities and/or community members or stakeholders;

Significant wildlife resources: means resources in a WMA with respect to abundance, diversity and uniqueness meeting a minimum cut off/ threshold as defined by the Director of Wildlife;

Tenure: means the use and occupation of land;

Traditional communities: means communities whose diet depends on natural resources by more than 75%

User rights: means the permission to use wildlife resources found within the WMA according to the existing laws and regulations;

Village Game Scouts: means villagers employed by the AA to protect wildlife resources within a WMA;

Village land: means land described under section 7 of the Village Land Act, 1999 and for purposes of these regulations includes lands in occupation and use by traditional communities;

Village: means village as described in the Local Government (District Authorities) Act, 1982 and includes the traditional community area designated by the Director;

Wildlife Management Area (refer to the WPT): means an area declared by the Minister to be so and set aside by the village government for the purpose of biological natural resource conservation;

Wildlife (refer to the WPT): means those species of wild and indigenous animals and plants, and their constituent habitats and ecosystems, to be found in Tanzania, and that are temporarily maintained in captivity or have become established in the wild.

PART 1: INTRODUCTION

THE PREMISE FOR THE DRAFTING OF THE GUIDELINES

These guidelines are made under regulation 78 of the Wildlife Conservation (Wildlife Management Areas) Regulations, 2002.

INTENDED PURPOSE OF THE GUIDELINES

The guidelines are intended to facilitate effective implementation of the regulations and promote the aspirations of the Wildlife Policy of Tanzania, 1998

The regulations that are made under sections 19 and 84 of the Wildlife Conservation Act, 1974 and these guidelines, are intended to enable the local communities living in villages to participate in the protection and utilization of wildlife resources on village land.

OBJECTIVES OF THE WILDLIFE POLICY OF TANZANIA, 1998

It is the objective of the Wildlife Policy of Tanzania of 1998 to:

Promote the conservation of wildlife and its habitats outside core protected areas by establishing Wildlife Management Areas (WMAs);

Transfer the management of WMAs to local communities thus taking care of corridors, migration routes and buffer zones, and ensuring that local communities obtain substantial tangible benefits from wildlife conservation;

Ensure that wildlife is appropriately valued in order to reduce its illegal off-take and encourage its sustainable use by rural communities;

Create an enabling environment that will ensure that legal and sustainable wildlife schemes directly benefit local communities.

PART 2: INITIATION OF WMA ESTABLISHMENT

AWARENESS RAISING AND SENSITIZATION OF COMMUNITIES

Before they can decide whether they would like to establish a WMA, interested villages need to be made aware of the importance and cost-benefits of conserving wildlife resources, their rights and benefits as well the procedures to be followed in the designation of a WMA.

The Wildlife Division, in collaboration with wildlife related institutions such as TANAPA, NCAA and District Councils will carry out vigorous sensitization sessions with the villages.

PROCEDURES FOR CARRYING OUT SENSITIZATION

The sensitization team shall adhere to the following requirements and procedures:

- Possess relevant written permission from the relevant District authorities

- Cooperate with and involve Ward authorities and Village Councils

- Through the Village Council, Convene a Village Assembly and explain to the villagers the objectives, benefits and cost of establishing a WMA and make them aware of the values of the wildlife resources in their area.

- Use other methods such as audio-visuals, drama, songs, posters, fliers, etc. to ensure that the targeted villagers fully understand the idea.

- Target specific community groups, e.g. school children, elders, women, youth, poachers, local leaders, politicians and other influential people.

- Get feedback from the villagers through the Village Assembly.

PART 3: PROCEDURES FOR THE DESIGNATION OF WMAs

Before an area is designated as a Wildlife Management Area, the following procedures have to be followed:

1 The Village Council shall recommend to the Village Assembly a village land that is suitable for the establishment of a Wildlife Management Area.

2 The CBO shall submit an Application to the Director of Wildlife, which should include:

A certified Copy of the Minutes of the Village Assembly Meeting endorsing the designation of a Wildlife Management Area

A duly completed Information Data Sheet in accordance with the Second Schedule of the Regulations

A certified copy of the Certificate of Registration of a Community-Based Organization

A Land Use Plan approved by the Village Assembly

A draft General Management Plan and a Resource Management Zone Plan

3 The Director shall gather information relating to the proposed Pilot WMA indicating:

Name of Project

Funding

Investment element (if any)

Economic Activities (if any)

Development Activities (if any)

Actors in the Project/Programme

PART 4: ESTABLISHMENT OF WMAs IN TRADITIONAL COMMUNITY AREAS

CRITERIA FOR ESTABLISHING WILDLIFE MANAGEMENT AREAS

Wildlife Management areas may be established in the following areas:

Areas that are outside of core wildlife protected areas

Areas used by local communities

Areas within the village land

No area shall be designated as a WMA unless it meets the following criteria:

It has significant accessible resources

Its natural resources are of significant economic value

It is ecologically viable or forms part of an ecologically viable ecosystem

It belongs to one or more villages in accordance to the relevant provisions of the legislation governing village land, and other legislation relating to occupation and use of village land

THE ROLE OF THE DISTRICT COUNCIL:

To facilitate the process of establishment, the District Council in collaboration with the Director shall do the following:

Establish people who are living in a traditional community

Establish and keep a register of traditional communities reflecting:

- Location
- Population
- Approximate coverage area regularly used by a particular community
- Approximate area (size)
- Percentage of dependence on natural resources
- Leadership structure of the community

ROLE OF DISTRICT COUNCIL CONT'D...

Prepare and Submit to the Director, the Information Data Sheet reflecting criteria for designation of WMAs under Regulation 11.

Recommend to the Director an area suitable for the establishment of a WMA for use by traditional communities.

DESIGNATION OF WILDLIFE MANAGEMENT AREAS FOR TRADITIONAL COMMUNITIES

Based on the information submitted by the District Council, the **Director** shall:

Designate WMAs for use by the communities under Regulation 12 (3)

Recommend to the Minister the designated WMA for traditional communities

APPROVAL OR DISAPPROVAL AND APPEAL

Upon receipt of an application for the designation of WMA, the **Director** shall inform the applicant in writing whether the application has been approved or not, stating reasons for such a rejection.

The **Director** may also re-consider the rejected application that has been modified to comply with the directives that were issued.

DECLARATION OF WILDLIFE MANAGEMENT AREA AND AUTHORIZED ASSOCIATION

After receiving the recommendation from the Director, the **Minister** shall:

Declare a designated WMA for use by traditional communities in accordance with Regulation 16 (3).

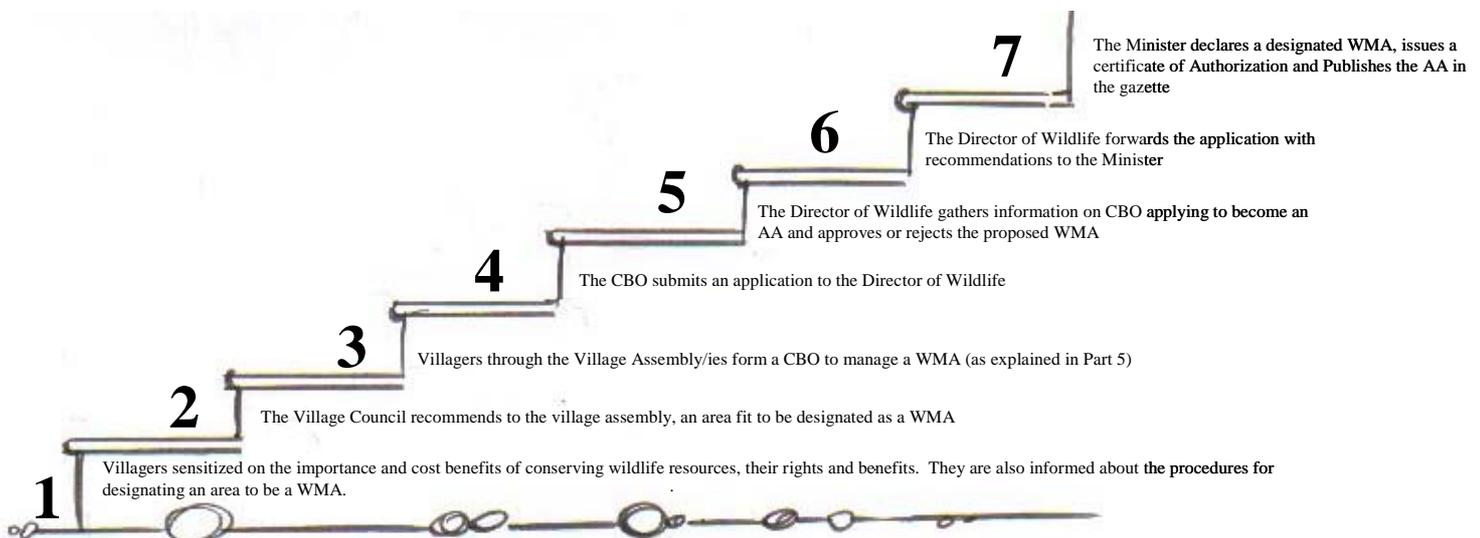
Issue a Certificate of Authorization provided in the Third Schedule to these Regulations.

Publish the Authorized Association and the Wildlife Management Area in the Gazette.

WMAs established by traditional communities shall be used by the community in accordance with their traditions and customs, provided such customs and traditions are not conflicting with the Regulations.

Just a Quick Reminder!

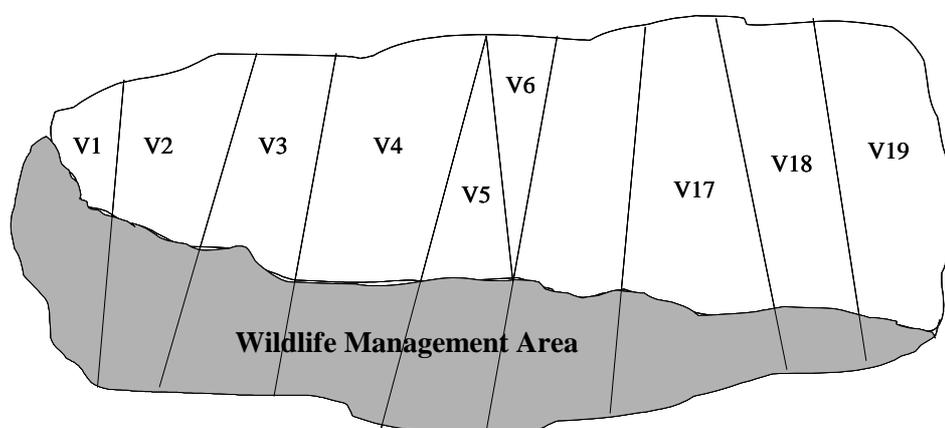
The establishment of a WMA entails the following steps:



Procedures in designating a Wildlife Management Area

PART 5: INSTITUTIONS, STRUCTURES AND INSTRUMENTS FOR MANAGING WMAs

In order to effectively manage the designated WMA, Villagers should be prepared to identify institutions, elaborate structures and develop instruments that will facilitate the management of their WMA. The Model presented below shows land set aside by 19 neighbouring villages to be designated as a WMA.

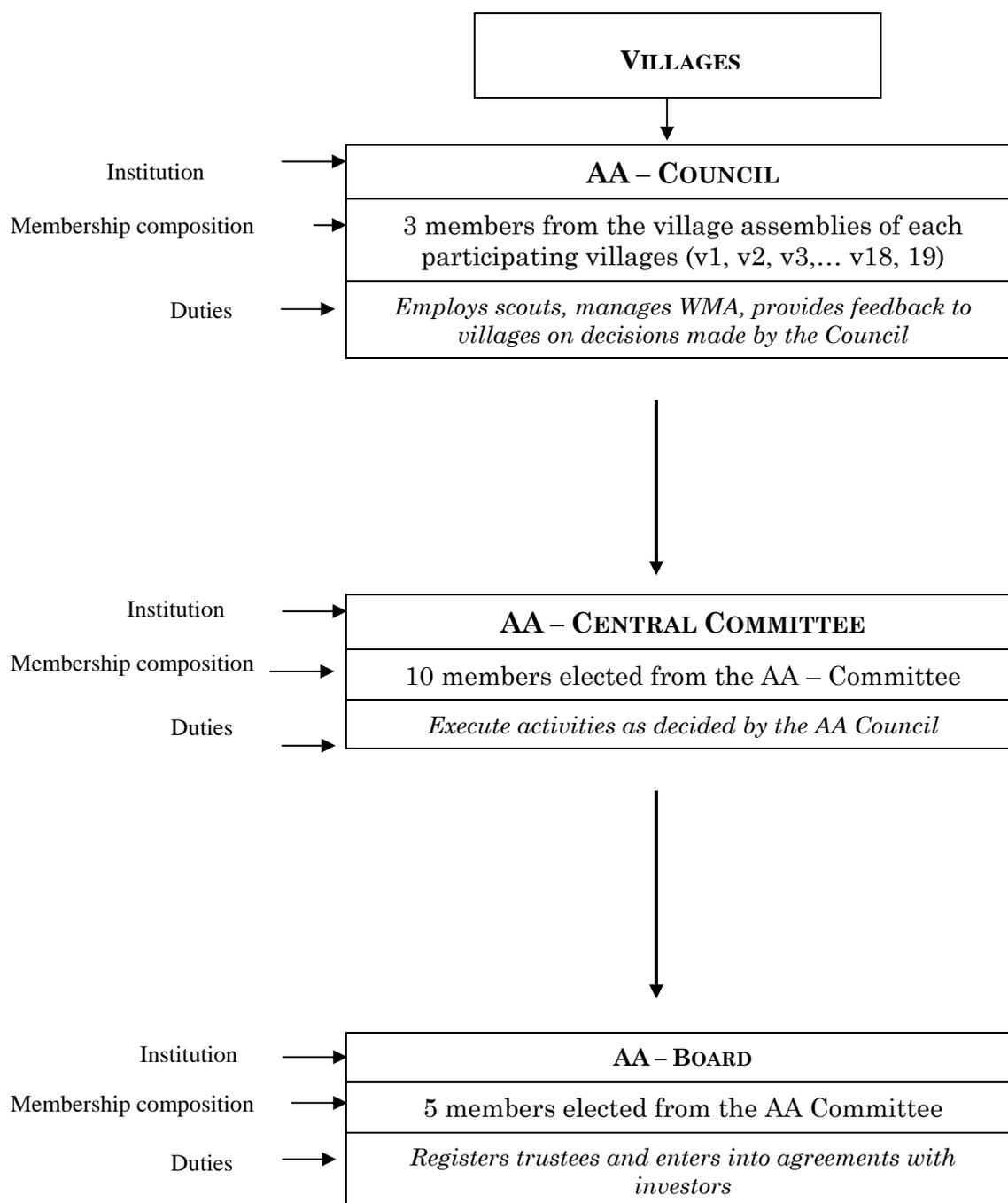


A Model showing a WMA set aside by 19 villages (A case of JUKUMU)

Before villagers start working on the structures and instruments, they need to do the following:

- 1 Form a community-based institution (CBO)** that will be authorized by the Director to manage wildlife on village land. The Director, NCAA, TANAPA, District Council or NGO will facilitate a Village Assembly Meeting to sensitize villagers and guide them on the formation of a CBO. The sensitized villagers will then elect representatives who will hold different positions in the CBO.

Below is an example of a structure that may be useful in providing guidance when forming institutions and structures to manage WMAs.



An Example of a CBO Organization Structure (Case of JUKUMU)

2 Draft a Constitution. The District Council will guide communities/villagers on how to draft a constitution. The constitution will contain:

A description of the proposed WMA including:

- Name
- Boundaries
- Size
- Location

Other Details are contained in the Constitution:

- ☛ A Statement of Objectives of the CBO
- ☛ Name(s) of participating village(s) with their respective district(s)
- ☛ Qualification for membership
- ☛ Details of office bearers including:
 - Qualifications
 - Terms of office
 - Terms of reference
 - Procedures for changing office tenure
 - Modes of representation
- ☛ Accountability of the CBO to the villagers, village council and links to the District Council
- ☛ Roles and responsibilities of the different organs of the CBO
- ☛ Relationship of the CBO to the Village Council
- ☛ Financial management
- ☛ Methods of solving conflicts in the CBO
- ☛ Code of conduct and disciplinary measures
- ☛ Registration requirements of the CBO in accordance with the Societies (Application for Registration) Rules, 1994 [Rule 4 (1)] (Refer to the First Schedule to the Regulations)
- ☛ The duty to propose to the Village Council(s) to initiate the process of preparing by-laws.

3 Develop a Strategic Plan

The next step is for the CBO to develop a strategic plan that will contain the following information:

- Vision
- Mission
- Objectives
- Tasks/Activities
- Outputs
- Monitoring & Evaluation mechanisms
- Re-planning

The CBO should seek endorsement of the Strategic Plan by the Village Assembly.

PART 6: PREPARATION OF LAND USE PLANS

The Village Council shall prepare a Land Use Plan in accordance with the procedure provided for in the Sixth Schedule to these regulations.

This exercise will involve a process of evaluating and proposing sustainable alternative uses of the land in villages in order to protect biodiversity and improve the living conditions of the villagers.

Preparation of Land use Plans will be guided by the following procedures:

1 The Village Council shall recommend to the Village Assembly part of village land to be set aside as communal village land for the purpose of establishing a WMA (Refer Section 13 of the Village Act, 1999).

2 The Village Assembly shall make a decision on the recommended LUP (Refer Section 13 of the Village Land Act, 1999).

After the Village has prepared a Land Use Plan...

-  The Village Council shall record in the Public Charges Register, the decision of the Village Assembly where it has approved an area of village land to be set aside for use as a WMA (Refer Regulation 39 of the Village Land Regulations, 2001).
-  If the intended WMA is located within the jurisdiction of different villages, these villages shall agree to develop a Joint Village Land Use Plan (Refer Section 11 of the Village Land Act, 1999 and Part IV of the Village land Regulations, 2001. See also Regulation 35 and the Sixth Schedule to the Wildlife Conservation Regulations, 2002).
-  The District Council shall advice and guide the Village Council on how to handle the matter. (Refer Sections 9 and 13 of the Village Land Act, 1999).
-  The LUP to establish a WMA shall follow the planning process as outlined in the Guidelines for Participatory Village Land Use Management in Tanzania (Refer: National Land Use Guidelines, Chp. 27, Card D, Box 4.1).
-  Environmental Impact Assessment shall be carried out in respect of the developed LUP.
 -  To deal with matters related to wildlife, the Village Council shall consult and take into account the views and where provided, comply with decisions of the Director or other Public Authority responsible for wildlife. (Refer: Sections 7 and 8 of the Village Land Act, 1999).

PART 7: PREPARATION OF THE GENERAL MANAGEMENT PLAN (GMP)

The General Management Plan shall be prepared by an Authorized Association in accordance with the provisions of the Seventh Schedule to these Regulations.

The GMP will rationalize different uses and management of resources with the view to improving the environment and ensuring economic benefits to the stakeholders.

As an interim measure, the AA may prepare a Resource Management Zone Plan which shall be prepared in accordance with the Eighth Schedule of these Regulations, and shall operate for a period of five years from the date of approval.

Important things to consider when developing the GMP:

- 1** Use the format prescribed in the Seventh Schedule to the Regulations.
- 2** Seek technical support from Wildlife authorities.
- 3** Involve all relevant stakeholders

Once the plan is developed, the Authorized Association shall submit the General Management Plan or Resource Management Zone Plan to the Director for Approval.

PART 8: AUTHORIZATION OF A CBO TO MANAGE A WMA

WHO SHOULD LODGE THE APPLICATION?

An application to be an Authorized Association is done by a Community Based Organization and shall concurrently operate as an application for designating a WMA under Regulation 13.

WHAT ARE THE BASIC REQUIREMENTS?

The CBO may be given the mandate to manage wildlife resources on village land after fulfilling the following requirements:

- 1** Registering the CBO under the Societies Ordinance, Cap. 337.
- 2** Registering Trustees of the CBO under the Trustees Incorporation Ordinance, Cap. 375.
- 3** Submitting an application to the Director for authorization to manage a WMA.

The application should be accompanied by the following documents:

- **Minutes of the Village Assembly meeting** that approved formation of the WMA
 - A completed Wildlife Management Area **Data Sheet** in the format provided for in the Second Schedule to the Regulations.
 - A certified copy of the **CBO's Certificate of Registration**
 - A copy of the **CBO's Constitution**
 - A **Land Use Plan** approved by respective Village Assembly (ies)
 - A **sketch map** of the proposed WMA in relation to the Village Land use Plan (s)
 - **Boundary description** of the proposed WMA, its name and size
 - A **copy of the General Management Plan** or a Resource Management Zone Plan
- 4** Lodging an application to the Director.
- 5** Copying the application to the relevant District Council.

THE APPROVAL PROCESS

- 1** On receiving the application, the Director will recommend to the Minister a CBO that qualifies to be declared an Authorized Association to manage the WMA.
- 2** The Minister shall then issue a Certificate of Authorization to the CBO in accordance with Regulation 16 (2) and in the format prescribed in the Third Schedule to the Regulations.
- 3** The Declaration of the CBO as an Authorized Association shall be published in the Gazette.

PART 9: GRANTING OF USER RIGHTS TO AUTHORIZED ASSOCIATION

CONDITIONS FOR GRANTING USER RIGHTS

An **Authorized Association** shall not be entitled to the utilization of wildlife resources in the declared WMA until a **user right** has been applied for and **granted by the Director** in accordance with Regulation 39 (1) and as prescribed in the Tenth Schedule to the Regulations.

The **Director shall grant user rights** in a WMA to an Authorized Association **in accordance with** the provisions of the **Tenth Schedule** to these Regulations.

These rights shall be granted on the basis of the General Management Plan or Resource Management Zone Plan and any other information as the Director may deem fit. The user rights are not transferable.

GENERAL PROVISIONS FOR USER RIGHT HOLDERS

An AA that has been granted User Rights has the authority to enter into an investment agreement with investors for the purpose of utilizing wildlife resources in the WMA.

However, Contracts and Agreements on behalf of the AA shall only be signed by registered trustees duly authorized in the Constitution of the CBO.

Contracts and Agreements shall not involve management of natural resources and hunting block allocation in a WMA.

WITHDRAWAL AND SURRENDER OF USER RIGHTS

The Director may withdraw a User Right for good cause.

The Surrender of User Rights is approved by the Village Assembly, after which the AA has to comply.

PART 10: INVESTMENTS AND JOINT VENTURES IN WMAS

GENERAL PROVISIONS FOR INVESTMENT AND JOINT VENTURES IN WMAS

An Agreement for investment and development in a WMA shall be limited to a term of three years and shall be renewable.

Where an investment involves use and occupation of land, the provision of the Village Land Act, 1999 shall apply.

An investment agreement in a WMA shall be as prescribed in the Twelfth Schedule to these Regulations a copy of which shall be provided to the District Council and the Director.

WHO QUALIFIES FOR INVESTMENT IN A WMA?

Investment in a WMA is for the purpose of utilizing wildlife resources and can be done as follows:

By an Authorized Association with User Rights

By an independent Investor under an Investment Agreement with the Authorized Association

As a Joint Venture Agreement between the Authorized Association and an Investor

SPECIFIC CONDITIONS FOR INVESTMENT AND JOINT VENTURES

All prospective development and investment activities shall be subject to Environmental Impact Assessment and have to conform to the General Management Plan or Resource Management Zone Plan provided under the Regulations.

The District Natural Resource Advisory Body shall provide guidance and advice on matters relating to agreements, investments and development in a WMA.

Joint Venture and Investment Agreements shall not involve the management of natural resources or allocation of hunting blocks.

All Agreements shall conform to the format prescribed in the Twelfth Schedule to the Regulations.

THE ROLE OF THE VILLAGE COUNCIL PERTAINING TO INVESTMENT AND JOINT VENTURES IN WMAS

The Village Council shall approve derivative rights to support agreements that provide for the development of village land for ultimate physical use and occupation of land by the investor. This will be done as per the provisions in the Village Land Act, 1999.

The Village Council may grant a customary right of occupancy to the AA for purposes of enabling the AA to create a derivative right in favour of an investor.

The Village Council shall enable the AA and Investor to acquire a Customary Certificate of title and derivative title respectively, in order to facilitate the financing of activities in a WMA. The term of the derivative right to be granted shall run concurrent with the term provided in the Investment Agreement.

SPECIFIC LEGAL PROVISIONS

Joint Venture Agreements shall be governed by the following legal provisions:

Companies Ordinance, Cap. 212

Law of Contract, Cap. 443

Village Land Act, 1999

Local Government (District Authorities) Act, 1982

Other relevant laws

JOINT VENTURE MANAGEMENT COMMITTEE

A Joint Venture Committee shall be formed and it shall be responsible for the management of joint venture activities in the WMA (Refer: Regulation 65).

The Joint Venture Committee shall comprise of not more than two representatives from each of the following:

- Authorized Association
- Enterprise or Firm
- District Natural Resource Advisory Body

The Committee shall make its own rules and procedures for purposes of conducting its meetings.

However, no Investment or Joint Venture Agreement shall be operative without the prior approval of the Director.

SCHEDULING OF FEES

The schedule of fees and minimum payable rate of fees shall be set by the Minister.

The parties to the Investment Agreement (i.e. the AA and the Investor) have the liberty to negotiate the set fees.

PART 11: UTILIZATION OF RESOURCES IN A WMA

Utilization of resources under these guidelines relates to the consumptive and non-consumptive use of biological and non-biological resources in a manner that does not interrupt with the ecological process of the ecosystem for the benefit of the communities in a WMA and the conservation of biodiversity.

The use of resources other than game in a WMA shall conform to the written laws of the respective sectors.

The Licensing Officer may issue an Identification Card, Capture Permit and License to persons issued with a permit to utilize wildlife resources in a Wildlife Management Area.

Allowed Types of Resource Utilization

Hunting for meat by the AA under Regulation 51

Resident hunting under Regulation 52

Other Allowed Types of Resource Utilization

Tourist hunting under Regulation 53

Non-consumptive tourism under Reg. 61

Live animal capture under Reg. 56

Conditional Resource Utilization in a WMA

The AA may issue a permit for utilization of the following types of resources subject to licenses issued to the responsible authorities

Forestry products (trees) under Regulation 58 (Refer: Forest Act, 2002)

Bee resources under Regulation 59 (Ref: Beekeeping Act, 2002)

Fish resources under Regulation 62 (Refer: Fisheries Act, 1970)

Restricted Types of Resource Utilization in Wildlife Management Areas

Mining is subject to Regulation 62 (Refer: Mining Act, 1998)

Wildlife Cropping

Wildlife Farming and Ranching

PART 12: BENEFITS, REVENUE AND COST SHARING IN A WMA

MAIN BENEFICIARIES OF WMAS

The primary beneficiary of WMAs shall be the villager in the village(s) forming the Authorized Association.

Benefit sharing shall be done in accordance with circulars issued by the Director after consultation with the Treasury (Refer: Regulation 73), as well as in accordance with Regulations 74 and 75.

Other Stakeholders to the benefits, revenue and cost sharing shall include: the Wildlife Division, TANAPA, NCAA, TAWIRI, Tanzania Wildlife Protection Fund, the Treasury, District Councils, the AA and Investors.

THE ROLE OF THE AUTHORIZED ASSOCIATION

The Authorized Association shall be responsible for financial management of the revenues accrued from different forms of resource utilization in a WMA and will be guided by regulation 73 (2) on the application of its gross revenue.

In collaboration with the Village Council, the AA shall ensure that application for shared benefits targets economic development and poverty reduction strategies.

The AA shall prepare an annual budget and action plan at the beginning of each financial year.

This budget and action plan shall be submitted to the Village Council, which in turn shall submit the same to the Village Assembly for Approval.

To ensure the achievement of the objectives intended under the benefits, revenue and cost sharing plan in a WMA, the AA will be required to do the following:

- Implement its action plan
- Comply with procedures for the disbursement of funds, payment of taxes, dues and other contributions in accordance with the action plan.
- Open a bank account and ensuring prompt banking of revenues
- Maintain books of accounts
- Avail to all its member village(s) its quarterly, semi-annual and annual financial reports through its offices and at the Village Assembly.

What if the WMA covers more than one District?

In cases where the WMA covers more than one District, the Inter-District Natural Resources Advisory Body shall have the duty to advise and provide guidance on the preparation of an annual budget and action by the AA.

PART 13: INSTITUTIONS IN THE MANAGEMENT OF WMAs

There are a number of institutions that are responsible for the management of a WMA. These include among others:

- Authorized Associations
- Village Councils
- Village Assembly
- District Council
- District Natural Resources Advisory Body
- Wildlife Division
- Ministry of Natural Resources and Tourism
- TANAPA, NCAA, TAWIRI
- Non-Governmental Organizations
- Individual Investors

SPECIFIC ROLES AND RESPONSIBILITIES OF OTHER INSTITUTIONS

Non-Governmental Organizations

After being recommended by the Director and approved by the Minister, NGOs may provide financial and technical assistance to the AA. More specifically however, NGOs are responsible for the following:

- To facilitate the initiation and establishment of WMAs in collaboration with the Director, TANAPA, NCAA, appropriate Game Reserves or National Parks management and the District Council.

- To collaborate with the Director and District Councils in the sensitization of communities to form WMAs

- To facilitate the formation of Community-Based Organization

- To support villages to prepare LUPs

- To facilitate preparation of by-laws

To provide technical advice to the AA in collaboration with the Director and District Councils

To undertake capacity building activities (financial management, annual action plans, audits, strategic action plans and gender mainstreaming)

To participate in the District Natural Resources Advisory Body upon request

To collaborate with wildlife authorities in resource monitoring

The Private Sector

The role of the private sector in relation to the management of WMAs is mainly in the areas of investment, promotion and marketing, protection of natural resources, sharing of ideas and payment of taxes.

Specifically, the private sector participates in the management of WMAs as follows:

Entering into Investment Agreements on resource utilization in the WMA with AA under Regulation 63.

Entering into Joint Ventures under Regulation 64

Promotion and Marketing WMA resources in accordance with the regulations

Assisting in the protection of natural resources

Participating in the District Natural Resources Advisory Body meetings upon request

Paying AA and government dues fully and promptly.

PART 14: CROSS-CUTTING ISSUES

Institutions that are responsible for the management of WMAs will be guided by the following cross cutting issues:

Gender Mainstreaming

All decisions to be made as part of the management of WMAs should take into consideration the sex, physical disability and age of the people who will be affected by the decision.

To achieve this objective, the following should always be considered:

Resource management and decision making at all levels in a WMA shall be gender mainstreamed.

All undertakings in a WMA will be done in consistency with the relevant policies and regulations on gender.

During initiation stages, efforts will be directed to the women in an AA for the purpose of building their capacity to take part in effective management of WMAs.

All committees that will be formed by an AA will observe indiscriminate and fair gender representation.

Gender sensitive provisions contained in the Village Land Act, 1999 should also guide the management of village lands related to WMAs (Refer: Sections 3, 20, 23, 33, 35 and 45 of the Village Land Act, 1999).

Support to WMAs

For the purpose of facilitating successful management and establishment of WMAs, provision of grants in terms of materials, funds, services and technical expertise to the villages shall be in accordance with the regulations and guidelines:

Any interested party may provide support to the AA

The Wildlife, Forestry, Fisheries, Bee Keeping and Tourism Divisions, TANAPA, NCAA, TAWIRI and District councils are obliged to support the AA by working harmoniously in order to achieve the objectives of the WPT.

The TANAPA and the NCAA will assist in the management of WMA's outside their areas of jurisdiction in accordance with Regulation 33.

Support will be provided with the intention of phasing it out as a WMA becomes self-sustaining.

In ensuring phasing of the support, the supporting organization will do the following:

- Identify and list types of support
- Decide on the phases of giving support
- Correlate support and withdrawal with phasing

All support should observe the following phases:

- Initiation
- Sensitization and organizing of the communities
- Implementation/management
- Consolidation
- Withdrawal

Capacity Building

Capacity building will involve the provision of education, training, other information and supply of appropriate facilities to develop the technical and professional capacity of all stakeholders at different levels in respect of the management of WMAs.

Considerations for capacity building in the management of WMAs will include the following:

Targeting villages, groups/institutions (AA, Village Game Scouts, Village Councils and Ward Development Committee), District Councils (Natural Resources experts; and District/ Inter-District Advisory Body) and employees/office bearers of the AA (Book-keepers, Village leaders and others).

Preparation of standardized and tailor-made or targeted training materials by the Director.

Facilitation will be provided by Donor Agencies, NGOs, WD, NCAA/TANAPA, District Natural Resource Experts, Wildlife training institutions and professionals, legal and management consultants.

The cultural, educational and other background of the target groups, existing traditional knowledge, gender, their expressed needs and critical skills for resource management and entrepreneurship will also be considered.

Training in wildlife management will be guided by the Wildlife Policy of Tanzania, 1998 and other existing policies related to natural resources.

Endorsed training syllabus on basic wildlife management by the Director

The AA will identify needs for competence building and seek opportunities to be developed by facilitators subject to consultation with the Director.

Cross Sectoral Coordination

The District Natural Resource Advisory Body will have the duty to harmonize issues of different sectors that have direct or indirect bearing on the functioning of WMAs.

The District Natural Resources Advisory Body at the District or inter-district level will advise the Director, District Council(s), the AA and the Village Council(s) on ways to better execute activities related to the management of WMAs within their areas of jurisdiction.

The District Natural Resources Advisory Body will be established for the purpose of maintaining professionalism and adherence to the respective District development vision.

The District Natural Resources Advisory Body and the AA will have the duty to recognize sectoral policies, laws, regulations, guidelines, procedures and international conventions and treaties related to the management of natural resources (Refer: Regulation 30).

Conflict Management and Arbitration in a WMA

What determines the presence of a Conflict?

When three quarters of the members in an AA want to terminate their membership, a conflict will be deemed to have occurred and shall be referred to an arbitration process committee, tribunal or arbitrator, as provided for that matter under the constitution.

What should be done when a conflict arises?

In the event that there are differing interests, ideas and/or practices related to the management of the WMA, the Regulations shall govern the efforts to be made to prevent and/or arbitrate such conflicts (Refer: Regulations 30, 67, 68 and 69).

When there is a dispute between the parties involved in the WMA and their constitution does not provide the mode of dispute settlement, the parties shall apply the Arbitration Ordinance.

The AA constitution shall provide for methods of resolving conflicts.

Arbitrations shall be in accordance with the laws of the country.

Conflict management shall be participatory as much as possible, gender mainstreamed, transparent and compliant to the Constitution and Laws of the country.

Stakeholder rights and responsibilities

The District Natural Resources Advisory Body and Wildlife Authorities must ensure that all stakeholders are aware of their rights and responsibilities in the management of WMAs. This is important for conflict management and arbitration processes, should a conflict arise.

The Village Council and the Ward Tribunal will attempt to resolve conflicts emanating from within the village in accordance with the following:

Sections 60-63 of the Village Land Act, 1999

The Land Disputes Courts Act, 2002

The Ward Tribunals Act, 1985

Conflict between the AA and the Investor may be tabled to the District or Inter-District Natural Resources Advisory Body for amicable settlement.

Offences and Penalties

Any person who contravenes any of the provisions of these Regulations upon conviction shall be guilty of an offence.

In case of an offense, Regulations 70 and 71, which provide for offences and penalties shall be administered through a court procedure and competent jurisdiction shall be applied in accordance with the prevailing laws of the country.